

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 23, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES ALLEN MOORE, JR.,

Petitioner,

v.

MELISSA ANDREWJESKI,

Respondent.

NO: 2:24-CV-00162-RMP

ORDER DISMISSING ACTION

By Order filed June 17, 2024, the Court advised Petitioner Charles Allen Moore, Jr., a *pro se* prisoner at the Coyote Ridge Corrections Center, of the deficiencies of his habeas corpus petition and directed him to amend within sixty (60) days. ECF No. 7. On June 20, 2024, the Court received an application to proceed *in forma pauperis* from Petitioner. ECF No. 8. Because the filing fee was paid in this action on May 30, 2024, this second application, ECF No. 8, is **DENIED as moot.**

Petitioner did not amend his petition as directed. Specifically, Petitioner did not present facts showing he had fully exhausted his habeas claims in state Court.

ORDER DISMISSING ACTION -- 1

1 *See Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999) (exhaustion includes presentation
2 of each claim to the state's highest court); *accord James v. Borg*, 24 F.3d 20, 24 (9th
3 Cir. 1993). Petitioner also failed to name his current custodian as the proper
4 Respondent to his petition. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441–42 (2004);
5 *Stanley v. Cal. Sup. Ct.*, 21 F.3d 359, 360 (9th Cir. 1994); *Ortiz-Sandoval v. Gomez*,
6 81 F.3d 891, 894 (9th Cir. 1996). The Court must assume that Petitioner has chosen
7 to abandon this litigation. For the reasons set forth above and in the Order to Amend
8 Petition, ECF No. 7, this habeas corpus action is subject to dismissal.

9 **ACCORDINGLY, IT HEREBY ORDERED:**

10 **1.** This habeas corpus action is **DISMISSED without prejudice.**

11 **2.** The Court certifies that there is no basis upon which to issue a certificate
12 of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

13 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter
14 this Order, enter judgment, provide copies to Petitioner, and **CLOSE** the file.

15 **DATED** August 23, 2024.

16 *s/ Rosanna Malouf Peterson*
17 ROSANNA MALOUF PETERSON
18 Senior United States District Judge
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